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Security Council

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 29 September 2016 from the Permanent Mission of Brazil to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Brazil to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to transmit its report on the measures taken by the Government of Brazil regarding the implementation of resolution 2270 (2016) (see annex).

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Annex to the note verbale dated 29 September 2016 from the Permanent Mission of Brazil to the United Nations addressed to the Chair of the Committee

Report of the Federative Republic of Brazil on the implementation of Security Council resolution 2270 (2016)

1. Further to its previous reports (S/AC.49/2006/35, S/AC.49/2009/40, S/AC.49/2010/7 and S/AC.49/2013/2) submitted to the Security Council Committee established pursuant to resolution 1718 (2006), the Government of Brazil has the honour to inform the Committee as to the concrete measures it has taken with a view to effectively implementing the relevant provisions of resolution 2270 (2016) concerning the Democratic People's Republic of Korea (DPRK).

2. By means of Presidential Decree 8,825 of 29 July 2016,[a] resolution 2270 (2016) was incorporated into Brazilian law and made mandatory for all Brazilian authorities and for all individuals and entities under its jurisdiction.

3. Concerning the expansion of the arms embargo and non-proliferation measures outlined in resolution 2270 (2016), the legal and institutional framework referred to in paragraphs 3 to 11 of the report submitted by Brazil in 2010 (S/AC.49/2010/7) is suitable for the implementation of the additional sanctions. With regard to the new sectoral trade bans on coal, minerals and fuel, as well as the new items added to the luxury goods ban, the Department of Federal Revenue of the Ministry of Finance and the Department of Federal Police of the Ministry of Justice and Citizenship, in cooperation with the Armed Forces, have the powers to enforce the provisions of the new sanctions and combat the smuggling of prohibited goods, as detailed in paragraph 2 of the 2010 report.

4. The legal framework to effectively put in practice the Security Council sanctions on the financial sector was recently strengthened to enhance the implementation of sanctions relating to asset freezes. In addition to the measures contained in Law No. 9,613/1998 on illegal financial operations, the Government of Brazil enacted Law No. 13,170 of 16 October 2015, which establishes the rules for the freezing of assets, rights or values pursuant to Security Council resolutions. Law No. 13,170/2015 requires that, once a Council resolution on sanctions is incorporated into the Brazilian legal system, the Office of the Attorney General of Brazil must, within 24 hours, file a lawsuit demanding the freezing of the assets, rights and values of all designated individuals and entities. During that 24-hour period, a federal judge may determine that an asset freeze is necessary as a precautionary measure. Such judicial proceedings are sealed during the first stages, in order to prevent any individual or entity concerned from attempting to evade enforcement. The Brazilian justice system has issued two precautionary measures accepting the Government's advance request to freeze all assets, rights or values of the individuals and entities designated under United Nations resolutions on sanctions against DPRK. At the time of writing, however, no assets, rights or values of the aforementioned individuals or entities had been found in Brazil. Circular No. 3,780/2016, issued by the Central Bank of Brazil, regulates the proceedings to

[a] The full text of the Decree is on file with the Secretariat and is available for consultation.

be adopted by all financial institutions once a freeze of assets, rights or values is determined as being necessary by the Brazilian Judiciary.

5. With regard to the measures set out in paragraphs 13 and 14 of resolution 2270 (2016), Law No. 6,815 of 19 August 1980 (Statute on Foreign Persons) provides for the possibility of expulsion, by Presidential Decree, of foreign nationals who, inter alia, make any attempt against national security or whose actions render them harmful to national convenience and interests. Such provisions could be applied to foreign individuals acting in violation of the DPRK sanctions regime, taking into account Brazil's international legal obligations under the Charter of the United Nations and the relevant Security Council resolutions, all of which have been incorporated into Brazilian law. Information on the expulsion procedure has already been submitted to the Committee (see S/AC.49/2010/7, para. 13).

6. In addition to its efforts to effectively implement the provisions of resolution 2270 (2016) and all previous Security Council resolutions regarding DPRK, the Brazilian Government has publicly and strongly condemned nuclear and ballistic missile tests carried out by DPRK in violation of Council resolutions. Brazil has also expressly associated itself with the condemnations issued by the Council.

7. In 2016, three press releases were issued by the Ministry of Foreign Affairs, concerning a nuclear device detonation in January 2016,[b] a satellite launch using ballistic missile technology in February 2016[c] and a nuclear test in September 2016.[d]

8. Brazil reiterates its commitment to the full implementation of all Security Council resolutions regarding DPRK, including resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016). In this context, it reaffirms the importance of implementing the provisions of those resolutions without prejudice to the activities of the diplomatic missions in DPRK, pursuant to the Vienna Convention on Diplomatic Relations.

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[b] Available at www.itamaraty.gov.br/en/press-releases/12826-announcement-of-nuclear-device-detonation-by-the-democratic-people-s-republic-of-korea.

[c] Available at www.itamaraty.gov.br/en/press-releases/13112-satellite-launch-by-north-korea.

[d] Available at www.itamaraty.gov.br/en/press-releases/14705-tests-carried-out-by-the-democratic-people-s-republic-of-korea.